

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 26TH NOVEMBER 2007 / 5TH AGRAHAYANA 1929

Bail Appl.No. 6951 of 2007()

CRIME NO. 146/07 OF MELUKAVU POLICE STATION

PETITIONERS/ACCUSED NO.3 & 5

1. JOHN THOMAS, MYLACKAL HOUSE,
MELUKAVUMATTOM.
2. THOMAS MATHEW, KAVUKATTU HOUSE,
MELUKAVUMATTOM P.O.

BY ADV. SRI.SHAJI THOMAS PORKKATTIL
SRI.BINU PAUL

RESPONDENTS: STATE & COMPLAINANT

1. STATE OF KERALA,
REPRESENTED BY ITS PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.
2. SUB INSPECTOR OF POLICE,
MELUKAVU.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 26/11/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R. BASANT, J.

B.A.No. 6951 of 2007

Dated this the 26th day of November, 2007

ORDER

Application for anticipatory bail. The petitioners are accused 3 and 5 in a crime registered for offences punishable, inter alia, under Section 3 of the P.D.P.P. Act. The alleged incident took place on 9.10.2007. A number of crimes have been registered in respect of the incident which took place on that day. The petitioners are not named in the F.I.Rs. They have subsequently been brought on the array of accused. Altogether there are seven accused persons. The crux of the allegations is that the accused persons trespassed into the Panchayat Hall and indulged in acts of violence, causing destruction and damage to the property. Investigation is now complete. Final report has already been filed on 22.10.2007. The learned Mag has taken cognizance of the offences alleged. The petitioners apprehend imminent arrest.

2. The learned Prosecutor submits that the final report having already been filed before the learned Magistrate, it is for the petitioners to appear before the learned Magistrate and seek regular bail. There is nothing to assume that the learned Magistrate would not consider the application for regular bail on merits, in accordance with law and expeditiously.

3. It is certainly for the petitioners to appear before the learned Magistrate and explain to the learned Magistrate the circumstances under which they could not earlier appear before the learned Magistrate. I have no reason to assume that the learned Magistrate would not consider the applications for bail to be filed by the petitioners when they surrender before the learned Magistrate, on merits, in accordance with law and expeditiously. Every court must do the same. No special or specific direction appears to be necessary. Sufficient general directions have already been issued by this Court in the decision in Alice George v. Dy.S.P. of Police (2003 (1) KLT 339).

4. This application is accordingly dismissed. I may however hasten to observe that if the petitioners appear before the learned Magistrate and apply for bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass orders on merits, in accordance with law and expeditiously - on the date of surrender itself.

(R. BASANT)
Judge

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